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OFFICE OF PETITIONS

In re Application of Alix et al. :
Application No. 10/050,210 : Decision on Petition
Filing Date: January 15, 2002 :
Attorney Docket No. 33155.8 :

This is a decision on the petition under 37 CFR 1.181, filed April 21, 2006, to withdraw the holding of abandonment.

The petition is **granted**.

Facts:

A non-final Office action was mailed December 14, 2004.

A reply and request for a three month extension of time were filed June 16, 2004 (Certificate of Mailing Date of June 14, 2004).

Unfortunately, due to a clerical error, the papers filed June 16, 2004, listed the application number as 10/052,210 rather than 10/050,210. As a result, the papers were matched with the incorrect file.

On or before March 22, 2006, the Office reviewed the file wrapper for the instant application and failed to find a reply to the December 14, 2004 Office action. A Notice of Abandonment was mailed on March 22, 2006.

The instant petition was filed April 21, 2006. Unfortunately, due to a clerical error, the petition listed the application number as 10/052,210 rather than 10/050,210. As a result, the petition was initially matched with the incorrect file.

Discussion:

At the discretion of the Office, a paper listing an incorrect application number may be considered timely and proper. The Office will accept papers as timely filed if the following criteria are met:

- (1) The papers contained sufficient information for the Office to recognize they included an incorrect application number.
- (2) The papers contained sufficient information for the Office to determine the correct application number.

The papers filed July 16, 2004, contained sufficient information for the Office to recognize they included an incorrect application number. The papers filed July 16, 2004, contained sufficient information for the Office to determine the correct application number. Therefore, the petition is granted.

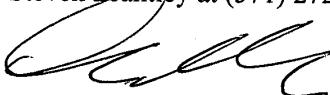
The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The papers filed on June 16, 2004, and the petition, have been associated with the correct application file.

The \$510 payment for an extension of time was incorrectly applied to application no. 10/102,210. The fee has now been applied to the instant application.

Technology Center Art Unit 1764 will be informed of the instant decision and will enter the papers filed timely on June 16, 2004. Thereafter, the application will be further examined in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.



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